

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641DGC
**FIRST AMENDED SHORT FORM
COMPLAINT**

**DENISE SMITH, INDIVIDUALLY and
on behalf of the Estate of RONALD
SMITH**

Plaintiff(s) named below, for their Complaint against Defendants named below,

incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364)

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Ronald Smith

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

n/a

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

Denise Smith; Representative

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

n/a

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New York

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New York

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Northern District of New York

8. Defendants (check Defendants against whom Complaint is made):

X C.R. Bard Inc.

X Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

X Diversity of Citizenship

Other:

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s));

□ Recovery® Vena Cava Filter

□ G2® Vena Cava Filter

□ G2® Express Vena Cava Filter

- G2® X Vena Cava Filter
- Eclipse® Vena Cava Filter
- Meridian® Vena Cava Filter
- Denali® Vena Cava Filter
- Other:

11. Date of Implantation as to each product:

10/10/2013

12. Counts in the Master Complaint brought by Plaintiff(s):

X Count I: Strict Products Liability – Manufacturing Defect

X Count II: Strict Products Liability – Information Defect (Failure to Warn)

X Count III: Strict Products Liability – Design Defect

X Count IV: Negligence - Design

X Count V: Negligence - Manufacture

X Count VI: Negligence – Failure to Recall/Retrofit

X Count VII: Negligence – Failure to Warn

X Count VIII: Negligent Misrepresentation

X Count IX: Negligence *Per Se*

X Count X: Breach of Express Warranty

X Count XI: Breach of Implied Warranty

X Count XII: Fraudulent Misrepresentation

X Count XIII: Fraudulent Concealment

X Count XIV: Violations of Applicable New York (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices

□ Count XV: Loss of Consortium

□ Count XVI: Wrongful Death

□ Count XVII: Survival

X Punitive Damages

Other(s): _____ (please state the facts supporting this Count in the space immediately below)

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13. Jury Trial demanded for all issues so triable?

X Yes

□

1 RESPECTFULLY SUBMITTED this 22th day of May, 2018.

2 TAUTFEST BOND, PLLC

3 By: *s/Monte Bond*

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10
11 Attorney for Plaintiff

12 I hereby certify that on this 22nd day of May, 2018, I electronically transmitted
13 the attached document to the Clerk's Office for filing using the CM/ECF System filing and
14 transmittal of a Notice of Electronic Filing.

15 *s/Monte Bond*